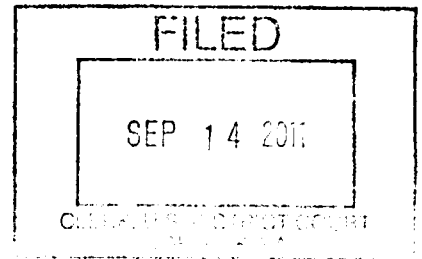


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



BANNER LIFE INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 2:11cv198

**JOHN W. BONNEY
as Administrator of
the ESTATE OF CLYDE B. PITCHFORD, JR., et al.**

Defendants.

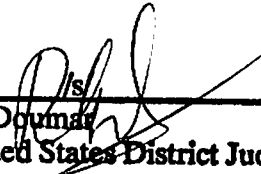
OPINION AND ORDER

On May 31, 2011, plaintiff Banner Life Insurance Company ("Banner") filed an Amended Complaint for Interpleader ("Amended Complaint") adding several defendants to this case. Ed Majka was named as a Defendant in the Amended Complaint, and was served with a copy of the same on June 29, 2011. Defendant Majka did not file any responsive pleadings by the July 20, 2011 deadline imposed by Federal Rule of Civil Procedure 12(a)(1)(A). Accordingly, on August 12, 2011, pursuant to Banner's request, the Clerk of Court entered a default judgment against Defendant, pursuant to Federal Rule of Civil Procedure 55(a).

On August 29, 2011, Defendant filed an Answer to the Amended Complaint. In his Answer, Defendant requested that the Court remove the entry of default judgment "due to error in filing incorrect forms." Banner does not oppose Defendant Majka's request that the Court set aside the Clerk's Entry of Default.

The Court finds in the interests of justice and for good cause shown, the answer submitted by Defendant Majka on August 29, 2011, is hereby ordered filed and issue shall be joined thereon. The Clerk of Court is **DIRECTED** to send a copy of this Order to all Counsel of Record and to Defendant Ed Majka.

IT IS SO ORDERED.



Robert G. Doumar
Senior United States District Judge

Norfolk, Virginia

September 14, 2011